OIPE IAP53 FEB 28 2006 PATENT & TRADEMARK OFFICE

IAP7 Rec'd PCT/PTO 28 FEB 2006

PCT
#5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yuko KURIMOTO et al.

Application No.: 10/525,032

Filed: February 17, 2005

For: RUST INHIBITOR

ATTENTION:
OFFICE OF SPECIAL
PROGRAM EXAMINATION

Docket No.: 122778

PETITION UNDER 34 C.F.R. §1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR §1.47(a), this Petition is filed to request examination of the above-identified patent application.

Attached hereto is a Declaration of Messrs. Yasuo Nishino, Jun-ichiro Goto, Akihiro Kobayashi, and Daichi Kitaori supporting the Petition under 37 CFR §1.47(a), that includes the facts summarized herein below pertinent to a filing under Rule 47(a).

Also attached is a Declaration/Power of Attorney duly executed by Mr. Yuko Kurimoto, one of the two co-inventors of the claimed invention. The other co-inventor, Mr. Kazuo Kobayashi, has refused to execute the application. Accordingly, this Declaration has also been signed on behalf of Mr. Kazuo Kobayashi by Mr. Yuko Kurimoto as his co-inventor in accordance with 37 CFR §1.64 (see MPEP §409.03(a)).

The last known mailing address of the non-signatory co-inventor is: Mr. Kazuo Kobayashi, 2-8-106 Sotojima-cho, Moriguchi-shi, Osaka 570-0096, Japan.

RECEIVED
21 MAR 2006
Legal Staff
International

03/03/2006 ATRAN1 00000063 10525032
02 FC:1463 200.00 OP

As set forth in the attached Declaration of Messrs. Yasuo Nishino, Jun-ichiro Goto, Akihiro Kobayashi, and Daichi Kitaori, repeated attempts have been made to have Mr. Kazuo Kobayashi cooperate in the preparation and execution of the application.

Thus, a diligent effort has been made to have Mr. Kazuo Kobayashi execute the complete application, but Mr. Kazuo Kobayashi has to date refused to do so. It is therefore requested that the first Declaration/Power of Attorney be placed in the application and that the application be accepted for examination.

Should Mr. Kazuo Kobayashi reconsider his position and, either himself or through a representative, indicate a willingness to file a Substitute Declaration, such will be prepared and filed promptly upon execution.

Included is Applicants' attached check number 177057 for $200.00 in payment of the Petition fee under §1.17(g). Please credit any overpayment or debit any underpayment to Deposit Account No. 15-0461.

If any further information is needed in order to obtain examination of this application pursuant to 37 CFR §1.47(a) and/or 37 CFR §1.63, Applicants' undersigned representative invites the Patent Office to telephone at the number listed below.

Respectfully submitted,

James A. Oliff
Registration No. 27,075

Jesse O. Collier
Registration No. 53,839

JAO:JOC/smo

Date: February 28, 2006

OLIFF & BERRIDGE
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

OIPE IAP53 FEB 28 2006 PATENT & TRADEMARK OFFICE

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Yuko KURIMOTO et al.

Application No.: 10/525,032

Filed: February 17, 2005 Docket No.: 122778

For: RUST INHIBITOR

DECLARATION UNDER 37 C.F.R. §1.47(a)

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

We, Yasuo Nishino, Jun-ichiro Goto, Akihiro Kobayashi, and Daichi Kitaori, hereby declare and say that:

(1) We are attorneys of GMC CO., LTD;

(2) We have dealt with U.S. Application Serial No. 10/525,032, filed on February 17, 2005;

(3) The invention was completed by the inventors, Messrs. Yuko Kurimoto and Kazuo Kobayashi;

(4) As evidenced by attached Exhibits A and B, a copy of the Declaration, already executed by Mr. Yuko Kurimoto was mailed to Mr. Kazuo Kobayashi and duly received by Mr. Kazuo Kobayashi on September 15, 2005;

(5) The Declaration properly identified the application by the International Application Number, PCT/JP02/10220, and the filing date, September 30, 2002;

(6) As evidenced by attached Exhibits C and D, a first request to execute the application was mailed to Mr. Kazuo Kobayashi on September 12, 2005 and duly received by Mr. Kazuo Kobayashi on September 15, 2005;

(7) Mr. Kazuo Kobayashi failed to respond to the first request;

(8) As evidenced by attached Exhibits E and F, a second request to execute the application was mailed to Mr. Kazuo Kobayashi on October 11, 2005 and duly received by Mr. Kazuo Kobayashi on October 19, 2005;

(9) Mr. Kazuo Kobayashi failed to respond to the second request;

(10) All statements made herein are true; and further that willful false statements and the like so made may be punishable by fine or imprisonment or both, under Section 1001 Title 18 of the U.S. code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Dated Feb. 20, 2006 西野 康夫
Yasuo Nishino

Dated Feb. 20, 2006 後藤 潤一郎
Jun-ichiro Goto

Dated Feb 20 2006 小林 明博
Akihiro Kobayashi

Dated Feb 20 2006 北折 大地
Daichi Kitaori

Attachments:

Exhibit A: Copy of Declaration sent to Mr. Kazuo Kobayashi
Exhibit B: Certificate of Delivery for Declaration (w/ English translation)
Exhibit C: First Notice (w/ English translation)
Exhibit D: Certificate of Delivery for First Notice (w/ English translation)
Exhibit E: Second Notice (w/ English translation)
Exhibit F: Certificate of Delivery for Second Notice (w/ English translation)

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

契　8-ベレ印

郵便物配達証明書

受取人の氏名	小林 和夫 様
引受番号	155-02・81688-4 号

上記の郵便物は、17年 9月 15日 配達したのでこれを証明します。

570-8799
大阪
守口

都府県 郵便局

日づけ印 付 .9.15 8-12

ユ07370 (16・TAI)

再生紙使用

(4)

郵便はがき

460-0001

名古屋中央法律事務所
弁護士 西野泰夫 様

名古屋市中区三の丸 1-14-7

通信事務

守口 郵便局

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Post Card

Zip Code 460-0001

Nagoya Chuo Horitsu Jimusho

1-14-7 Sannomaru Naka-ku Nagoya-shi

Mr. Yasuo NISHINO, Attorney

Moriguchi Post Office Zip Code 570-8799

8-12

CERTIFIED MAIL

Recipient: Mr. Kazuo KOBAYASHI

Number: 155-02 81686-4

We certify that the above-mentioned mail was delivered on September 15, 2005.

570-8799

Osaka Moriguchi Post Office September 15, 2005

(A)

催　告　書

前略、当職は株式会社ＧＭＣから依頼を受けた代理人として、貴殿に対し、次のとおり催告します。

記

1　貴殿と栗本有康が発明者として記載され、２００２年９月３０日に出願された特許協力条約に基づく国際出願ＰＣＴ／ＪＰ２００２／０１０２２０（以下「本件国際出願」と言う。）は、２００５年２月１７日に米国への移行手続が行われております。

2　その移行手続の一環として貴殿には宣誓書及び委任状並びに譲渡証（以下「米国手続用宣誓書等」と言う。）に署名することが求められております。

3　本件国際出願に発明者として記載されている以上、このことは貴殿の権利でありかつ義務でもあります。

4　つきましては、米国手続用宣誓書等を別便にて、郵送いたしますので、該当箇所に貴殿自らが署名したうえで、当該用紙を当職まで速やかにご返送くださるようお願い

申しあげます。

平成17年9月12日

名古屋市中区三の丸一丁目14番7号
名古屋中央法律事務所
TEL052-203-0550
FAX052-203-0554
株式会社GMC代理人
弁護士　西野泰夫
同　後藤潤一郎
同　小林明博
同　北折大地

大阪府守口市外島町2-8-106
小林和夫殿

この郵便物は、平成17年9月12日第81686号
書留内容証明郵便物として差し出したことを証明します
名古屋中央郵便局長

Notification

We represent Kabushiki Kaisha GMC. As its attorneys, we notify you of the following.

Information

1. International application PCT/JP2002/010220 (hereafter referred to as "international application of this case"), filed on September 30, 2002 based on the Patent Cooperation Treaty, and in which you and Yuko Kurimoto are listed as inventors, entered the U.S. National Stage on February 17, 2005.

2. As part of the U.S. National Stage, you have been asked to sign a Declaration, a Power of Attorney, and an Assignment (hereafter referred to as "Declaration etc. for the U.S. National Stage").

3. As long as you are listed as one of the inventors in the international application of this case, this is your right and your duty.

4. We are separately mailing you a Declaration etc. for the U.S. National Stage. Please sign the documents and promptly return them to us.

September 12, 2005

Nagoya Chuo Horitsu Jimusho

1-14-7 Sannomaru Naka-ku Nagoya-shi

TEL (052) 203-0550

FAX (052) 203-0554

Attorneys for Kabushiki Kaisha GMC

Yasuo NISHINO, Attorney

Jyunichiro GOTO, Attorney

Akihiro KOBAYASHI, Attorney

Daichi KITAORI, Attorney

To Mr. Kazuo KOBAYASHI

2-8-106 Sotojima-cho Moriguchi-shi Osaka-fu

We certify that this document was mailed as verified content certified mail no. 81686 on September 12, 2005. Nagoya Chuo Post Office

契 9.15 12 印

郵便物配達証明書

受取人の氏名	小林和夫 様
引受番号	155-02-81686-2 号

上記の郵便物は、17 年 9 月 15 日配達したのでこれを証明します。

570-8799
大阪
守口

都府県 郵便局

日付印 9.15 12

再生紙使用

郵便はがき

4600001

名古屋市中区三の丸一丁目
十四番七号 本丸ビル四階
名古屋中央法律事務所
株式会社GMC代理人
弁護士 亜野泰夫
弁護士 後藤潤一郎
弁護士 小杜明博
弁護士 北折大地

様

通信事務

守口 郵便局

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1-14-7 Sannomaru Naka-ku Nagoya-shi Honmaru Bldg. 4th Floor

Attorneys for Kabushiki Kaisha GMC

Mr. Yasuo NISHINO, Attorney

Mr. Jyunichiro GOTO, Attorney

Mr. Akihiro KOBAYASHI, Attorney

Mr. Daichi KITAORI, Attorney

Moriguchi Post Office

September 15, 2005 8-12

CERTIFIED MAIL

Recipient: Mr. Kazuo KOBAYASHI

Number: 155-02-81686-2

We certify that the above-mentioned mail was delivered on September 15, 2005.

570-8799

Osaka Moriguchi Post Office September 15, 2005 8-12

OIPE IAP53 FEB 28 2006 PATENT & TRADEMARK OFFICE

Declaration and Power of Attorney For Patent Application

特許出願宣誓書及び委任状

Japanese Language Declaration

日本語宣誓書

下記の氏名の発明者として、私は以下の通り宣誓します。

私の住所、郵便の宛先、国籍は下記の私の氏名の後に記載されたとおりです。

下記の名称の発明に関して請求範囲に記載され、特許出願している発明内容について、私が最初かつ唯一の発明者（下記の氏名が一つの場合）もしくは最初かつ共同発明者（下記の氏名が複数の場合）であると信じています。

上記発明の明細書は、

☐ 本書に添付されています。

☐ __月__日に提出され、米国出願番号または特許協力条約国際出願番号を_____とし、（該当する場合）_____に訂正されました。

私は特許請求範囲を含む上記訂正後の明細書を検討し、内容を理解していることをここに表明します。

私は、連邦規則法典第３７編第１条５６項に定義される通り、特許資格の有無について重要な情報を開示する義務があることを認めます。

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

RUST INHIBITOR

the specification of which

☐ is attached hereto.

☒ was filed on 30/09/2002 as United States Application Number or PCT International Application Number PCT/JP02/10220 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulation, Section 1.56.

Japanese Language Declaration
(日本語宣誓書)

私は、米国法典第35編119条 (a)-(d) 項又は365条 (b) 項に基き、下記の米国以外の国の少なくとも一カ国を指定している特許協力条約365 (a) 項に基く国際出願、又は外国での特許出願もしくは発明者証の出願についての外国優先権をここに主張するとともに、優先権を主張している、本出願の前に出願された特許または発明者証の外国出願を以下に、枠内をマークすることで、示しています。

I hereby claim foreign priority under Title 35, United States Code, Section 119 (a)-(d) or 365(b) of any foreign application (s) for patent or inventor's certificate, or Section 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s) 外国での先行出願			Priority Claimed 優先権主張	
2002-239045 (Number) (番号)	Japan (Country) (国名)	20/08/2002 (Day/Month/Year Filed) (出願年月日)	☒ Yes はい	☐ No いいえ
PCT/JP02/10220 (Number) (番号)	Japan (Country) (国名)	30/09/2002 (Day/Month/Year Filed) (出願年月日)	☒ Yes はい	☐ No いいえ
(Number) (番号)	(Country) (国名)	(Day/Month/Year Filed) (出願年月日)	☐ Yes はい	☐ No いいえ

私は、下記の米国法典第35編120条に基づいて下記の米国特許出願に記載された権利、又は米国を指定している特許協力条約365条に基づく権利をここに主張します。また、本出願の各請求範囲の内容が米国法典第35編112条第1項又は特許協力条約で規定された方法で先行する米国特許出願に開示されていない限り、その先行米国出願書提出日以降で本出願書の日本国内または特許協力条約国際提出日までの期間中に入手された、連邦規則法典第37編1条56項で定義された特許資格の有無に関する重要な情報について開示義務があることを認識しています。

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States (s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States code Section 112, I acknowledge the duty to disclose Information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section1.56 which became available between the filing date of the prior application and the national or PCT International filing date of application.

(Application No.) (出願番号)	(Filing Date) (出願日)	(Status: Patented, Pending, Abandoned) (現況：特許許可済、係属中、放棄済)
(Application No.) (出願番号)	(Filing Date) (出願日)	(Status: Patented, Pending, Abandoned) (現況：特許許可済、係属中、放棄済)

私は、私自身の知識に基づいて、本宣誓書中で私が行う表明が真実であり、かつ私の入手した情報と私の信じるところに基づく表明が全て真実であると信じていること、さらに故意になされた虚偽の表明及びそれと同等の行為は米国法典第１８編第１００１条に基づき、罰金または拘禁、もしくはその両方により処罰されること、そしてそのような虚偽の声明を行えば、出願した、又は既に許可された特許の有効性が失われることを認識し、よってここに上記のごとく宣誓をいたします。

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Japanese Language Declaration
(日本語宣誓書)

委任状：私は下記の発明者として、本出願に関する一切の手続きを米特許商標局に対して遂行する弁理士または代理人として、下記の者を指名いたします。
（弁護士、または代理人の氏名及び登録番号を明記のこと）

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: *(list name and registration number)*

James A. Oliff, Reg. No 27075

書類送付先

Send Correspondence to:

Oliff & Berridge, PLC
277 South Washington Street, Suite 500
Alexandria, Virginia 22314

直接電話連絡先：（名前及び電話番号）

Direct Telephone Calls to: (name and telephone number)

(703) 836-6400

唯一または第一発明者名	Full name of sole or first inventor Yuko KURIMOTO
発明者の署名　日付	Inventor's signature　Date Yuko Kurimoto　March 30, 2005
住所	Residence Osaka-shi, Osaka, Japan
国籍	Citizenship Japan
郵便の宛先	Post Office Address 10-11-110, Higashimikuni 2-chome, Yodogawa-ku, Osaka-shi, Osaka 532-0002 Japan

第二共同発明者名	Full name of second joint inventor, if any Kazuo KOBAYASHI
第二共同発明者の署名　日付	Second Inventor's signature　Date
住所	Residence Moriguchi-shi, Osaka, Japan
国籍	Citizenship Japan
郵便の宛先	Post Office Address 2-8-106, Sotojima-cho, Moriguchi-shi, Osaka 570-0096 Japan

（第三以降の共同発明者についても同様に記載し、署名すること）

(Supply similar information and signature for third and subsequent joint inventors.)

催　告　書

前略、当職は株式会社ＧＭＣから依頼を受けた代理人として、貴殿に対し、平成１７年９月１２日付け内容証明郵便により、催告をいたしましたが、今日まで米国手続用宣誓書等必要書類をご返送いただけませんので、再度下記の通り催告します。

記

1　貴殿と栗本有康が発明者として記載され、２００２年９月３０日に出願された特許協力条約に基づく国際出願ＰＣＴ／ＪＰ２００２／０１０２２０（以下「本件国際出願」と言う。）は、２００５年２月１７日に米国への移行手続が行われております。

2　その移行手続の一環として貴殿には宣誓書及び委任状並びに譲渡証（以下「米国手続用宣誓書等」と言う。）に署名することが求められております。

3　本件国際出願に発明者として記載されている以上、このことは貴殿の権利でありかつ義務でもあります。

4　つきましては、先日ご送付しました米国

手続用宣誓書等の該当箇所に貴殿自らが署名したうえで、当該用紙を当職まで速やかにご返送くださるようお願い申しあげます。

平成17年10月11日

名古屋市中区三の丸一丁目14番7号
名古屋中央法律事務所
TEL052-203-0550
FAX052-203-0554
株式会社GMC代理人
弁護士 西野泰夫
同 後藤潤一郎
同 小林明博
同 北折大地

大阪府守口市外島町2-8-106
小林和夫殿

この郵便物は、平成17年10月11日第83318号
書留内容証明郵便物として差し出したことを証明します
名古屋中央郵便局長

Notification

We represent Kabushiki Kaisha GMC. As its attorneys, we notified you of the following by September 12, 2005 verified content certified mail. However, as of today, we have not received the documents from you, so we again notify you of the following.

Information

1. International application PCT/JP2002/010220 (hereafter referred to as "international application of this case"), filed on September 30, 2002 based on the Patent Cooperation Treaty, and in which you and Yuko Kurimoto are listed as inventors, entered the U.S. National Stage on February 17, 2005.

2. As part of the U.S. National Stage, you have been asked to sign a Declaration, a Power of Attorney, and an Assignment (hereafter referred to as "Declaration etc. for the U.S. National Stage").

3. As long as you are listed as one of the inventors in the international application of this case, this is your right and your duty.

4. We are separately mailing you a Declaration etc. for the U.S. National Stage. Please sign the documents and promptly return them to us.

October 11, 2005

Nagoya Chuo Horitsu Jimusho

1-14-7 Sannomaru Naka-ku Nagoya-shi

TEL (052) 203-0550

FAX (052) 203-0554

Attorneys for Kabushiki Kaisha GMC

Yasuo NISHINO, Attorney

Jyunichiro GOTO, Attorney

Akihiro KOBAYASHI, Attorney

Daichi KITAORI, Attorney

To Mr. Kazuo KOBAYASHI

2-8-106 Sotojima-cho Moriguchi-shi Osaka-fu

We certify that this document was mailed as verified content certified mail no. 83318 on October 11, 2005. Nagoya Chuo Post Office

Post Card

Zip Code 460-0001

Nagoya Chuo Horitsu Jimusho

1-14-7 Sannomaru Naka-ku Nagoya-shi Honmaru Bldg. 4th Floor

Attorneys for Kabushiki Kaisha GMC

Mr. Yasuo NISHINO, Attorney

Mr. Jyunichiro GOTO, Attorney

Mr. Akihiro KOBAYASHI, Attorney

Mr. Daichi KITAORI, Attorney

Moriguchi Post Office

8-12

CERTIFIED MAIL

Recipient: Mr. Kazuo KOBAYASHI

Number: 155-02-83318-3

We certify that the above-mentioned mail was delivered on October 19, 2005.

570-8799

Osaka Moriguchi Post Office October 19, 2005 8-12

契 8-12 印

郵便物配達証明書

受取人の氏名	小林 知夫 様
引受番号	155-02-87318-3 号

上記の郵便物は、17 年 10 月 19 日配達したのでこれを証明します。

570-8799
大阪
守口

都府県 郵便局

付 日 分
17.10.19
8-12

ユ07370 (16・TAI)

再生紙使用

郵便はがき

460-0001

名古屋市中区三の丸一一一四一七
本丸ビル四階

名古屋中央法律事務所 様

株式会社GMC 代理人
弁護士 西野泰夫
〃 〃 修補潤一郎
〃 〃 小林知夫
〃 〃 北井大地

通信事務

守口 郵便局

(F)